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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
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ART UNIT	**PAPER NUMBER**
1796	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/831,797	KWETKAT ET AL.	
	Examiner	Art Unit	
	Gregory R. Del Cotto	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/23/07*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,8-27 and 33-45* is/are pending in the application.

4a) Of the above claim(s) *15-27 and 38-44* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,8-14,33-37 and 45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-4, 8-27, and 33-45 are pending. Claims 5-7 and 28-32 are pending. Applicant's response filed 10/23/07 has been entered. Applicant's election of the Gemini surfactant having the formula (A.I) in the response filed 11/12/03 is still in effect.

Claims 15-27 and 38-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/12/03.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Objections/Rejections Withdrawn

The following objections/rejections as set forth in the Office action mailed 4/19/07 have been withdrawn:

None.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 45 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to instant claim 45, the specification, as originally filed, provides no basis for "acrylated" as recited by instant claim 45. While the specification does provide basis for for "C6 to C24 acyl residues" on page 12 of the instant specification, the specification provides no basis for "acrylated". Thus, this is deemed new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 45 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to instant claim 45, it is vague and indefinite in that it is unclear what is meant by "acrylated" protein condensate. For purposes of examination and based on the instant specification at page 12, the Examiner has interpreted claim 45 to read "acylated" protein condensate. Clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 8-14, and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 97/40124 or in view of Hagen et al (US 5,490,955) or Linton ("Acyl Lactylates in Cosmetics", 1984). Note that, Kwetkat et al (US 6,156,721) has been used as a translation of WO 97/40124 since Kwetkat et al is the result of a 371 application which is based on WO 97/40124 and by PCT statute, the 371 application and WO publication must be identical.

Kwetkat et al teach the use of at least 0.1% of anionic Gemini surfactants in detergents, cleaning products, and body care compositions. See Abstract. When Gemini surfactants are employed, there is a significant increase in the efficiency of overall end formulations. This is possible because the anionic Gemini surfactants are markedly more efficient than conventional anionic surfactants in terms, for example, of critical micelle concentration, surface tension, solubility in water, stability to harness solubilizing effect and washing power, and furthermore, owing to their particular

structure, are particularly mild to the skin and biodegradable. See column 1, lines 55-69. Additionally, the compositions may include surface active substances which are ampholytes and betaines such as lecithin and solvents for liquid formulations such as alcohols having 1 to 6 carbon atoms. Suitable foam inhibitors include monofattyacid salts which are employed in an amount of 0 to 5% by weight. These compounds preferably contain fatty acids having carbon chain lengths of from 10 to 24 carbon atoms. See column 8, lines 25-45. Additionally, anionic surfactants such as alpha-olefin sulfonates, alcohol ether sulfates, alkyl sulfosuccinates, etc., may be used in the compositions. See column 9, lines 1-20.

Specifically, Kwetkat et al teach a liquid heavy-duty detergent composition containing 13% by weight of anionic Gemini surfactant, 10.0% by weight coconut fatty acid, etc., with the remainder to weight of water. See column 11, lines 20-45.

However, Kwetkat et al do not teach the use of an anionic surfactant such as an acyl lactylate or a composition containing a Gemini surfactant, acyl lactylate, water, and the other in addition to the other requisite components of the composition of the instant claims.

Hagan et al teach a cleansing composition containing water, from 10 to 30% by weight of one or more C6 to C16 acyl lactylates and from 5 to 25% by weight of one or more co-surfactants, such as acyl taurates, isethionates, sarcosinates, and sulphosuccinates. The cleanisng compositions are primarily intended to used as personal washing products, such as facial wash foams, bath foams, and hair shampoos. See Abstract. It has been unexpectedly discovered that a narrow range of acyl

lactylates in combination with specific cosurfactants provide the desired full lathering effects. The compositions are capable of producing a superior lather and accordingly, have great consumer appeal. Also, the compositions are so mild that they can safely be used for cleansing the skin and the hair and other more delicate areas. See column 1, line 60 to column 2, line 5. Additionally, the compositions may include emollients such PEG-20 corn glycerides, PEG-20 almond glycerides, etc. See column 8, lines 40-65.

Linton teaches that the use of acyl lactylates in cosmetic and personal cleaning compositions act as an emollient for dry skin, provide better curl retention in hair, and have moisturizing properties. See page 52, column 2. In cosmetics, the acyl lactylates do remain on the skin after repeated rinsings and this suggests that substantivity, combined with moisture binding, smooth feel, and emulsification properties make acyl lactylates important in formulating cosmetics. See page 54, column 2. In detergent based products such as bubble baths, liquid soaps, facial cleansers, and syndet bars, these materials prevent defatting and leave a silky, talc-like feel on the skin. See page 57, column 2. Specifically, Linton teaches a shampoo compositions containing 18% sodium C14-C16 olefin sulfonate, 3% acyl lactylate, 3% lauramide DEA, 2% PEG 150 distearate, water, etc.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use an anionic surfactant such as an acyl lactylate in the cleaning composition taught by Kwetkat et al, with a reasonable expectation of success, because Hagan et al or Linton teach the advantageous properties imparted to a similar personal cleansing composition when using acyl lactylate surfactants.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a composition containing a Gemini surfactant, acyl lactylate, water, and the other in addition to the other requisite components of the composition of the instant claims, with a reasonable expectation of success and similar results with respect to other disclosed components, because the broad teachings of Kwetkat et al in combination with Hagan et al or Linton suggest a compositions containing a Gemini surfactant, acyl lactylate, water, and the other in addition to the other requisite components of the composition of the instant claims.

Claims 1-4, 8-14, and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagan et al (US 5,490,955) or Linton ("Acyl Lactylates in Cosmetics", 1984), both in view of WO 97/40124.

Hagan et al and Linton are relied upon as set forth above. However, neither reference teaches the use of Gemini surfactants or a composition containing a Gemini surfactant, acyl lactylate, water, and the other in addition to the other requisite components of the composition of the instant claims.

'124 is relied upon as set forth above.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use Gemini surfactant in the cleaning composition taught by Hagan et al or Linton, with a reasonable expectation of success, because '124 teaches the advantageous properties imparted to a similar personal cleansing composition when using Gemini surfactants and further Hagan et al or Linton teach the use of various surfactants in general.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a composition containing a Gemini surfactant, acyl lactylate, water, and the other in addition to the other requisite components of the composition of the instant claims, with a reasonable expectation of success and similar results with respect to other disclosed components, because the broad teachings of Hagan et al or Linton, both in combination with '124, suggest a composition containing a Gemini surfactant, acyl lactylate, water, and the other in addition to the other requisite components of the composition of the instant claims.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 97/40124 or in view of Hagen et al (US 5,490,955) or Linton ("Acyl Lactylates in Cosmetics", 1984) or Hagan et al (US 5,490,955) or Linton ("Acyl Lactylates in Cosmetics", 1984), both in view of WO 97/40124 as applied to claims 1-4, 8-14, and 33-37 above, and further in view of Elliott et al (US 5,905,062).

'124, Hagan et al, or Linton are relied upon as set forth above. However, none of the references teach an acylated protein condensate in addition to the other requisite components of the composition as recited by the instant claims.

Elliott et al teach a liquid personal cleansing composition comprising a water-soluble surfactant, a cellulose, a polyol, a skin conditioning agent, and water. See Abstract. Suitable anionic surfactants include ethoxylated sulfates, acyl sarcosinates, fatty acid protein condensates, etc. See column 7, lines 50-69.

It would have been obvious to one of ordinary skill in the art to use a fatty acid (i.e. acyl) protein condensate in the composition taught by '124 or Hagan et al, with a

reasonable expectation of success, because Elliott et al teach the equivalence of fatty acid protein condensates to ethoxylated sulfates, acyl sarcosinates, etc., in a similar composition and further, '124 and Hagan et al teach the use of ethoxylated sulfates and acyl sarcosinates, respectively.

It would have been obvious to one of ordinary skill in the art to use a fatty acid (i.e. acyl) protein condensate in the composition taught by Linton, with a reasonable expectation of success, because Linton teaches the formulation of personal cleansing composition in general and that the acyl lactylates are compatible with most anionic emulsifiers in general.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-4, 8-14, 33-37, and 45 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 6,710,022 in view of Hagan et al (US 5,490,955) or Linton ("Acyl Lactylates in Cosmetics", 1984).

US 6,710,022 encompasses all the material limitations of the instant claims except for the inclusion of an acyllactylate.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use an anionic surfactant such as an acyl lactylate in the cleaning composition claimed by US 6,710,022, with a reasonable expectation of success, because Hagan et al or Linton teach the advantageous properties imparted to a similar personal cleansing composition when using acyl lactylate surfactants.

Response to Arguments

With respect to the rejection of the instant claims under 35 USC 103(a) using Kwetkat et al in combination with Hagan or Linton, Applicant first states that Hagan goes to great extent to show that the specific composition which show the unexpected result is comprised of the acyl lactylates in combination with specific co-surfactants and does not suggest that any co-surfactants would provide the unexpected result achieve by the combination of the acyl lactylated and the enumerated co-surfactants. In response, note that, Kwetkat et al teach that in addition to the Gemini surfactants, co-surfactants such as taurides, isethionates, sulfosuccinates, sarcosinates, etc., (See column 9, lines 5-20 of Kwetkat et al) may also be used which are the same as the specific co-surfactants as taught by Hagan et al. Therefore, since Kwetkat et al teach some of the same co-surfactants as taught by Hagan et al to be suitable for use in combination with an acyl lactylate, the Examiner asserts that one of ordinary skill in the art would be motivated to use an acyl lactylate in the composition taught by Kwetkat et al with a reasonable expectation of success and the expectation of mild cleansing and a

full lather as taught by Hagan et al. Thus, the Examiner maintains that Kwetkat et al in combination with Hagan et al is sufficient to suggest the composition as recited by the instant claims.

With respect to Linton, Applicant states that the skilled artisan when presented with the problem of formulating a mild good foaming skin cleanser which contained a Gemini surfactant would have no reason to believe from reading Linton that the use of an acyl lactylated was the solution to the problem. Further, Applicant states that the Examiner has relied upon impermissible hindsight in combining the teachings of Kwetkat et al with Linton. In response, note that, Kwetkat et al teach compositions containing a Gemini surfactant which are suitable for use as a skin cleanser, bath additive, shampoo, etc. (See column 9, lines 60-69 of Kwetkat et al). The Examiner asserts that Linton is analogous prior art relative to Kwetkat et al and that one of ordinary skill in the art clearly would have looked to the teachings of Linton to cure the deficiencies of Kwetkat et al. Linton is a secondary reference relied upon for its teaching of the use acyl lactylates in detergent based products such as bubble baths, liquid soaps, facial cleansers, etc., wherein these lactylates prevent defatting and leave a silky, talc-like feel on the skin which are clearly desirable properties of a skin cleanser. It is unclear to the Examiner as to how Applicant can contend that Kwetkat et al and Linton are not related art and the Examiner maintains that one of ordinary skill in the art clearly would have been motivated use an anionic surfactant such as an acyl lactylate in the cleaning composition taught by Kwetkat et al, with a reasonable expectation of success, because Linton teach the advantageous properties imparted to a similar

personal cleansing composition when using acyl lactylate surfactants. Said another way, the fact that Linton does not teach that foaming is improved in detergent compositions does not mean that Linton lacks the necessary motivation to use lactylates in personal cleansing compositons. To the contrary, the Examiner asserts that Linton provides very strong motivation (improved skin feel and defatting prevention) to use acyl lactylates in many different person cleansing compositions including those taught by Kwetkat et al.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

With respect to the rejection of the instant claims under 35 USC 103(a) using Hagan et al or Linton, both in combination with Kwetkat et al, Applicant states that there is no motivation to combine Kwetkat et al with either of these references. More specifically, Applicant states that Hagan et al teach that specific co-surfactants much be employed to achieve the unexpected results and there is no clue in Linton that by combining the acyl lactylates with a Gemini surfactant one would achieve a good foaming, mild skin and/or hair cleanser. In response, note that, Kwetkat et al is a

secondary reference relied upon for its teaching of Gemini surfactants and that when Gemini surfactants are employed in personal cleansing compositions, there is a significant increase in the efficiency of overall end formulations which is possible because the anionic Gemini surfactants are markedly more efficient than conventional anionic surfactants in terms, for example, of critical micelle concentration, surface tension, solubility in water, stability to harness solubilizing effect and washing power, and furthermore, owing to their particular structure, are particularly mild to the skin and biodegradable. Furthermore, a pointed out above, Kwetkat et al teach that the Gemini surfactants may be used in combination with other co-surfactants such as those taught by Hagan et al. The Examiner maintains that one of ordinary skill in the art clearly would have been motivated to use a Gemini surfactant in the cleaning composition taught by Hagan et al or Linton, with a reasonable expectation of success, because '124 teaches the advantageous properties imparted to a similar personal cleansing composition when using Gemini surfactants and further Hagan et al or Linton teach the use of various surfactants in general.

Note that, with respect to the prior art's teaching of acyl lactylates and Gemini surfactants and the use of Hagan et al and Kwetkat et al as secondary references, respectively, the reason or motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem. It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant. Note that, while there must be motivation to make the claimed invention, there is no requirement that the prior art provide the same reason as

the applicant to make the claimed invention. In re Linter, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972). See MPEP 2144. Thus, the Examiner maintains that Kwetkat et al in combination with Hagan et al or Linton and Hagan et al or Kinton, both in combination with Kwetkat et al are sufficient under 35 USC 103(a) to suggest the composition as recited by the instant claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gregory R. Del Cotto
Primary Examiner
Art Unit 1796

GRD
January 22, 2008